

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of )

Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

TO: The Commission

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**COMMENTS OF KARK-TV, INC.  
LITTLE ROCK, ARKANSAS**

KARK-TV, Inc., licensee of Station KARK-TV, Channel 4, Little Rock, Arkansas,  
respectfully submits the following comments concerning the above-referenced proceeding and  
suggests certain changes with respect thereto:

The Commission's approach to the matter of digital television appears to be less designed  
to enhance that service then to carve out frequencies for the purpose of raising funds, a highly  
questionable motivation and one that does not meet the requirement that the Commission's  
function is for the purpose of sound and efficient utilization of the radio spectrum. The  
Commission's proposal to use a "core" approach appears to confirm this concern. DTV has not  
been thoroughly tested and broadcasters, while anxious to begin DTV operations, recognize that  
there are technical and marketing problems that must be resolved in order to serve the public  
interest. That this will require flexibility, not only during the transition, but for a considerable  
period thereafter to work out allocation problems, is not open to debate. An intelligent approach

to DTV allocations does not deserve a “damn the torpedoes, full speed ahead” mentality, but rather one of caution and a rational evaluation of the practicalities of what is involved.

It is respectfully submitted that the “core” approach just does not make sense when caution is needed so badly. It complicates an allocations problem that is already complicated to begin with. There is no justification for the elimination of channels 2 through 6 and 52 through 69 from DTV allocation considerations. Land mobile interest were able to obtain the elimination of UHF channels 70 through 83 for their own use, as well as the setting aside of channels 14 through 20 in thirteen of the largest cities in the country (*See 96.303*). There has been no demonstration that there is an overwhelming immediate demand for more frequencies. Moreover, the Commission in the instant rule making proceeding has no idea where and for what purpose the frequencies being carved out of the hide of television broadcasting will be used.<sup>1</sup>

The Commission’s proposal creates chaos in many markets, and this is particularly so with respect to KARK-TV and the Little Rock, Arkansas market. KARK-TV, operating on channel 4, which is outside of the “core,” would lose that channel once the transition period has been completed. KARK-TV would be required to transmit on DTV channel 47, and in order to replicate coverage that the public now receives, KARK-TV would have to create a facility that would operate at a power in excess of 3776 kilowatts in contrast to the 100 kW ERP that the station now uses. Since KARK-TV and KTHV, channel 11, share the same tower, it may be that

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<sup>1</sup>This is in violation of the responsibilities of the Commission and in violation of the Communications Act Section 303 of the Act (47USC 303) requires that the Commission note with specificity just how frequencies will be utilized before they are set aside. Warehousing is not allowed.

a new tower will have to be constructed to accommodate KARK DTV channel 47, as well as DTV channel 12 assigned to Station KTHV.

The cost to KARK(TV) of achieving an operation on DTV channel 47 will, it is estimated, be well in excess of Two Million Dollars (\$2,000,000.00). This does not take into consideration the incredible increase in operational costs. Power consumption alone will increase by approximately Thirty Thousand Dollars (\$30,000.00) a month. The necessary expenditure of these funds for construction and operation will mean that KARK-TV's competitive position will be severely impaired and that translates into a reduction of its ability to serve the public interest.

The competitive imbalance created by the DTV allocations in Little Rock is startling. The other principal network affiliates, KTHV(CBS) and KATV(NBC), both presently operate on channels within the "core," (channels 7 and 11 respectively). The DTV channel for KTHV is channel 12 and the DTV channel for KATV is channel 22. The cost of operating on DTV channel 12 is nominal, and the power required under the Commission's proposal is only 8.2 kW. KATV, although required to operate on UHF channel 22 at a power of 1740 watts will be able to return after the transition to VHF channel 7 and operate at a power of 316 kW as it does now. On the other hand, KARK-TV, since it operates on channel 4, outside of the "core," will suddenly become competitively inferior if a "core" VHF channel cannot be found for it to operate on after the transition has been completed.

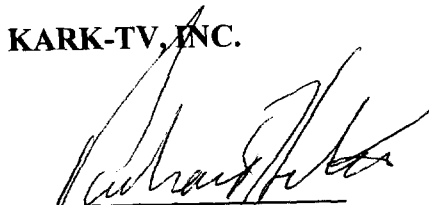
KARK-TV, Inc. strenuously opposes the core concept and urges the Commission to abandon it. However, if the Commission insists on going forward on such a basis, then it should provide that KARK-TV will be afforded the absolute right to apply for and to receive one of the

VHF channels between 6 and 13 upon the completion of the transition period.<sup>2</sup> This would serve to restore competition in the market to the level that existed prior to the transition to digital television.

WHEREFORE, the premises considered, it is respectfully requested that the Commission not adopt the "core" approach to DTV allocations, but rather the Commission use the full current table of television allocations. It is further requested that should the Commission insist upon using a "core" approach, then at the end of the transition period, KARK-TV be given first call on an available VHF frequency between channel 6 and 13 in the Little Rock television market.

Respectfully submitted

**KARK-TV, INC.**

  
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<sup>2</sup>Of course, this would not include channels 7 and 11 should KATV or KTHV ultimately pick one of those channels for DTV use. However, channel 12 would clearly become available.